

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
February 12, 2008

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of the Memorial Borough Hall on February 12, 2008 and was called to order by Acting Mayor Robert Kammerer at 7:30 p.m.

Pledge of Allegiance.

Present: Acting Mayor Kammerer, Councilwoman DeVoe, Councilmen Hemphill and Rubin.

Absent: Mayor Ekdahl and Councilmen Broderick and Shanley.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

C. Bernard Blum, Jr., Borough Engineer, was not present.

Dave Marks of T & M Associates was present.

The Acting Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2008 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

LETTER FROM THE RUMSON EDUCATION FOUNDATION REQUESTING PERMISSION TO PLACE DIRECTIONAL SIGNS AT STRATEGIC LOCATIONS ALONG THE ROUTE OF THEIR RUMSON A LA CARTE KITCHEN TOUR ON THURSDAY, MAY 1, 2008; THE SIGNS ARE TO BE PLACED NO EARLIER THAN 5:00 P.M. ON WEDNESDAY AND REMOVED NO LATER THAN 5:00 P.M. ON THE DAY OF THE EVENT:

The Municipal Clerk/Administrator advised of a letter dated January 30, 2008 from Ellen Miles, President of the Rumson Education Foundation, requesting permission to place directional signs at strategic locations along the route to guide tour-goers to the nine homes on the Rumson a La Carte Kitchen Tour on Thursday, May 1, 2008. The signs will be put up no earlier than Wednesday, April 30th after 5:00 p.m. and taken down no later than 5:00 p.m. on the day of the event.

Councilwoman DeVoe stated that the placement of the sign for the minimum amount of time was fantastic and appreciated.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, this communication was ordered received and permission was granted for the placement of the directional signs. All in favor.

LETTER FROM VISITING NURSE ASSOCIATION OF CENTRAL JERSEY REQUESTING PERMISSION TO USE BINGHAM HALL FOR THEIR ANNUAL HOLIDAY BOUTIQUE FUNDRAISER ON FRIDAY, DECEMBER 5, 2008 WITH SETUP ON DECEMBER 3RD AND 4TH, AND TO DISPLAY A SIGN IN FRONT OF BINGHAM HALL FROM NOVEMBER 26TH THROUGH DECEMBER 5TH AT 5:00 P.M.:

The Municipal Clerk/Administrator advised of a letter dated February 4, 2008 from Nancy Montserrat, Director of Development at Visiting Nurse Association of Central Jersey, requesting permission to hold their Holiday Boutique at Bingham Hall on Friday, December 5, 2008, with set up on December 3rd and 4th. (If permission is granted, VNACJ will provide the required certificate of insurance.) Mrs. Montserrat also requested that they be allowed to display a sign in front of Bingham Hall to advertise the sale from November 26th through 5:00 p.m. on December 5th.

The Municipal Clerk/Administrator requested Council approval to send a letter to the Visiting Nurse Association of Central Jersey to remind them to clean up after the event and to put down proper floor protection during the preparation so that the sap from the greens does not get on the floor and tables.

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, this communication was ordered received and permission was granted, with the provisions suggested by the Municipal Clerk/Administrator, for the Visiting Nurse Association of Central Jersey to use Bingham Hall for their Holiday Boutique and to place the sign for the week prior in front of the building. All in favor.

LETTER FROM NORTH AMERICA AUCTIONS OF SAN ANTONIO, TEXAS REQUESTING PERMISSION TO HOLD AN AUCTION AT 4 NORTH ROHALLION DRIVE ON SATURDAY, MARCH 1ST AND SUNDAY, MARCH 2ND FROM 1:00 P.M. TO 4:30 P.M. EACH DAY:

The Municipal Clerk/Administrator advised of a letter dated February 5, 2008 from Dominic Briscoe of North America Auctions, San Antonio, Texas requesting permission to hold an on-site estate/real estate auction at 4 North Rohallion Drive on Saturday, March 1st and Sunday, March 2nd between the hours of 1:00 p.m. and 4:30 p.m. both days. Mr. Briscoe advised that they would be arranging for two off-duty police officers both days and that a realtor from Brokers 3 Realtor would be on site to handle the real estate transaction during the auction.

The Municipal Clerk/Administrator advised that North America Auctions is licensed in the State of Texas and that Council approval is needed to accept that license for the onsite sale of the contents and premise.

On motion of Councilman Rubin, seconded by Councilman Hemphill, this communication was ordered received and permission was granted for the auction and real estate sale at 4 North Rohallion Drive on the requested dates. All in favor.

LETTER FROM POLICE CHIEF RICHARD E. TOBIAS ADVISING THAT THE BACKGROUND INVESTIGATION HAS BEEN SUCCESSFULLY COMPLETED FOR THE ABC RETAIL LIQUOR LICENSE PERSON-TO-PERSON TRANSFER FOR LIQUOR LICENSE #1342-32-002-004 AT 132 EAST RIVER ROAD FROM JOBIE, INC. TO DCJ RUMSON, LLC AND THAT IT WAS HIS RECOMMENDATION THAT THE TRANSFER OF THE LICENSE BE APPROVED:

The Municipal Clerk/Administrator advised of a letter dated February 5, 2008 from Police Chief Richard E. Tobias reporting that background check for the ABC Retail Liquor License Person-to-Person Transfer for Liquor License #1342-32-002-004 for 132 East River Road from Jobie, Inc. to DCJ Rumson, LLC had been successfully completed and that it was his recommendation that the transfer of the license be approved by the Mayor and Council.

On motion of Councilman Hemphill, seconded by Councilman Rubin, this communication was ordered received and approval of the transfer was granted. All in favor.

LETTER FROM ALLEN F. GALLAGHER REQUESTING PERMISSION TO USE VICTORY PARK FOR THE AWARD CEREMONY AND PARTY FOR THE 3RD ANNUAL PETE PAUELS BASS TOURNAMENT ON SATURDAY, JUNE 14, 2008 FROM 3:00 P.M. UNTIL 8:00 P.M. AND THE MUNICIPAL BOAT RAMP FOR THEIR CAPTAIN'S MEETING ON FRIDAY, JUNE 13, 2008 AT 7:00 P.M.—NO BEER OR WINE WILL BE SERVED AND THERE WILL BE NO 50/50 DRAWING THIS YEAR:

The Municipal Clerk/Administrator advised of a letter dated February 12, 2008 from Allen F. Gallagher, Chairman of the Pete Pauels Bass Tournament, requesting permission to hold the award ceremony and party for their 3rd Annual Tournament at Victory Park on Saturday, June 14, 2008 from 3:00 p.m. until 8:00 p.m. and their Captain's meeting at the Municipal Boat Ramp on Friday, June 13, 2008. Mr. Gallagher advised that food and soft drinks would be served and that they would not have beer or wine or hold a 50/50 raffle at this year's event.

On motion of Councilwoman DeVoe, seconded by Councilman Rubin, this communication was ordered received and permission was granted for the 3rd Annual Pete Pauels Bass Tournament ceremony and party to be held at Victory Park and the Captain's meeting at the Municipal Boat Ramp. All in favor.

CONSENT AGENDA:

LETTER FROM THE DEPARTMENT OF THE ARMY NEW YORK DISTRICT CORPS OF ENGINEERS ADVISING OF THE APPROVAL OF THE BOROUGH OF RUMSON'S APPLICATION FOR THE SHREWSBURY DRIVE ROAD IMPROVEMENT TO REHABILITATE AN EXISTING OUTFALL AND ADD A SCOUR PAD IN OYSTER BAY OFF THE SHREWSBURY RIVER:

The Municipal Clerk/Administrator advised of a letter from the Department of the Army New York District Corps of Engineers advising of the approval of the Borough of Rumson's

application for the Shrewsbury Drive Road Improvement to rehabilitate an existing outfall and add a scour pad in Oyster Bay off the Shrewsbury River.

LETTER FROM THE STATE D.E.P. ADVISING OF THE WITHDRAWAL OF THE FRESHWATER WETLANDS GENERAL PERMIT FOR TAVIT AND SOSSIE NAJARIAN FOR THE CONSTRUCTION OF AN IN-GROUND POOL, PATIO, WALKWAYS AND WALL ON PROPERTY LOCATED AT 17 SHREWSBURY DRIVE:

The Municipal Clerk/Administrator advised of a letter from New Jersey Department of Environmental Protection advising of the withdrawal of the Freshwater Wetlands General Permit for Tavit and Sossie Najarian for the construction of an in-ground pool and associated patio, walkways and wall on property located at 17 Shrewsbury Drive.

LETTER FROM THE STATE D.E.P. ADVISING OF THE APPROVAL OF THE WATERFRONT DEVELOPMENT PERMIT, SPGP 19 AND WATER QUALITY CERTIFICATE FOR JOHN AND REGINA GUARINO FOR THE RECONSTRUCTION OF A 75-FOOT TIMBER BULKHEAD ON PROPERTY LOCATED AT 15 WARDELL AVENUE:

The Municipal Clerk/Administrator advised of a letter from the New Jersey Department of Environmental Protection advising of the approval of the Waterfront Development Permit, SPGP 19 and Water Quality Certificate for John and Regina Guarino for the reconstruction of a 75-foot timber bulkhead on property located at 15 Wardell Avenue.

LETTER FROM AQUA-TERRA ENVIRONMENTAL INC. ADVISING OF THE APPLICATION TO THE STATE D.E.P. LAND USE REGULATION PROGRAM ON BEHALF OF MR. AND MRS. FREDERIC THOMAS FOR A WATERFRONT DEVELOPMENT PERMIT TO CONSTRUCT A RECREATIONAL DOCK AND MOORING AREA FOR PROPERTY LOCATED AT 5 BLACKPOINT HORSESHOE:

The Municipal Clerk/Administrator advised of a letter dated December 17, 2007 from Aqua-Terra Environmental Inc. advising of an application to the New Jersey Department of Environmental Protection Land Use Program on behalf of Mr. and Mrs. Frederic Thomas for a Waterfront Development Permit to construct a recreational dock and mooring area for property located at 5 Blackpoint Horseshoe.

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, the above four communications on the Consent Agenda were ordered received. All in favor.

COMMITTEE REPORTS:

Councilman Rubin, OEM Coordinator, reported that:

The Borough of Rumson and Office of Emergency Management will be asking for public comment on the Monmouth County Multi-Jurisdictional Natural Hazard Mitigation Planning Project at the next regular meeting of the Borough Council on Tuesday, February 26, 2008 at 7:30 p.m. at Memorial Borough Hall, 80 East River Road, Rumson, NJ.

Councilman Rubin reported that all 53 Monmouth County municipalities were participating in this study that would identify natural hazards—in this area it might be storms or flooding—and to then seek mitigation planning that could possibly lead to some grants for Rumson and the County. He stated that the Municipal Clerk/Administrator and he have been doing a great deal of work on this project. It is a requirement of the Borough to hold an open public meeting on the subject and our obligation would be fulfilled at the next regular Borough Council meeting.

The Municipal Clerk/Administrator added that a public notice advising of the public hearing would be published in the *Two River Times*, as per the County's recommendation.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

ORDINANCE 08-002 G TO AMEND CHAPTER IX SEWER AND WATER FEE CHARGES IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, MARCH 11, 2008:

The Municipal Clerk/Administrator read the following ordinance by title only in first reading:

08-002 G

AN ORDINANCE TO AMEND THE CODE
OF THE BOROUGH OF RUMSON BY
AMENDING CHAPTER IX, SEWER AND WATER

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey, as follows:

SECTION 1. That Chapter IX, Sewer and Water, Section 9-2.3, Unit Charge, is hereby amended to read as follows:

9-2.3. Unit Charge

A unit charge shall be ~~three~~ four hundred dollars (~~\$300.00~~
\$400.00) per year, effective January 1, ~~2005~~ 2008.

SECTION 2. That Chapter IX, Sewer and Water, Section 9-2.4, Payment, is hereby amended to read as follows:

9-2.4. Payment

~~In 2005 the sewer charge shall be due and payable either in lump sum or by semi-annual installments of one hundred fifty dollars (\$150.00) each, due on June 1 and October 1 with a ten (10) day grace period for each.~~

~~Commencing in 2008,~~ The sewer charge shall be due and payable ~~either in lump sum or~~ by semi-annual installments of ~~one two~~ hundred fifty dollars (~~\$150.00~~ \$200.00) each per unit, due on April 1 and October 1 with a ten (10) day grace period for each.

SECTION 3. This ordinance shall take effect upon the passage and publication according to law.

Councilman Hemphill moved the adoption of this ordinance in first reading. Motion seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

Acting Mayor Kammerer stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, March 11, 2008 meeting of the Borough Council at 7:30 p.m.

ORDINANCE 08-003 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, MARCH 11, 2008:

The Municipal Clerk/Administrator read the following ordinance by title only in first reading:

08-003

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Rumson in the County of Monmouth finds it advisable and necessary to increase its Calendar Year 2008 budget by up to 3.5% over the

previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Borough Council hereby determines that a 1% increase in the budget for said year, amounting to \$69,522.46 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Rumson in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the Calendar Year 2007 budget year, the final appropriations of the Borough of Rumson shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$243,328.62, and that the Calendar Year 2008 municipal budget for the Borough of Rumson be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Councilman Hemphill moved the adoption of this ordinance in first reading. Motion seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

Acting Mayor Kammerer stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Thursday, March 11, 2008 meeting of the Borough Council at 7:30 p.m.

2007 RESERVE APPROPRIATION TRANSFER RESOLUTION:

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, N.J.S.A. 40A:4-59 states should it become necessary during the first three months of the following year to expend for certain purposes specified in the budget an amount in excess of

the respective amounts appropriated therefore and there shall be an excess in one or more appropriations, the Governing Body may, by resolution, adopted by not less than 2/3 vote, transfer the amount of such excess to those appropriations deemed to be insufficient;

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the following transfers between 2007 Reserve Appropriations be and same are hereby approved:

To:	Recreation – Other Expenses	\$ 2,372.00
	Vehicle Maintenance	\$ 2,000.00
	Utility and Bulk Expenses	
	Water	<u>\$ 2,000.00</u>
	Total	\$ 6,372.00
From:	Recreation – Salary and Wages	\$ 2,372.00
	Utility and Bulk Expenses	
	Landfill	<u>\$ 4,000.00</u>
	Total	\$ 6,372.00

BE IT FURTHER RESOLVED that the Borough Chief Financial Officer be and is hereby authorized and directed to debit and credit said accounts for 2007 accordingly.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

TEMPORARY EMERGENCY APPROPRIATION RESOLUTION:

Councilman Hemphill offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the temporary appropriations previously adopted will be inadequate to the point when the 2008 Budget will be finally adopted; and

WHEREAS, N.J.S.A. 40A:4-20 states that the Governing Body may, by resolution adopted by a 2/3 vote of full membership, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year;

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the following emergency temporary appropriations, in addition to the temporary appropriations already adopted,

be adopted, and it is stated that these emergency temporary appropriations shall be included in the 2008 Budget when adopted.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer, and the Director of the Division of Local Government Services.

Environmental – Other Expenses	\$ 260.00
Judgments	\$ 5,000.00

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

RESOLUTION TO AUTHORIZE THE MUNICIPAL CLERK/ADMINISTRATOR TO SIGN AN AGREEMENT WITH TARGETED TECHNOLOGIES LLC FOR THE BOROUGH'S INFORMATION TECHNOLOGY MAINTENANCE FOR THE YEAR 2008:

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, there exists a need for the services of Computer Service for the Borough of Rumson; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law, R.S.40A:11-1, et. seq., requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be published no more than ten (10) days following the adoption thereof:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson as follows:

1. The Mayor and the Borough Clerk are hereby authorized, in behalf of the Borough, to retain Targeted Technologies, LLC to perform the services of Municipal Computer Service Provider for the year 2008.
2. Said company is retained and appointed to the position of Municipal Computer Service Provider without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because the service rendered or performed is to be done by a person authorized by law to practice a recognized profession and whose profession and practice is regulated by law and bids are not required per R.S.40A:5-11.
3. A copy of this resolution shall be published in one of the Borough's official newspapers as required by law within ten (10) days of its passage.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

RESOLUTION TO AUTHORIZE THE TERMINATION OF THE INTERLOCAL AGREEMENT WITH THE BOROUGH OF SHREWSBURY FOR REVERSE 9-1-1 EMERGENCY TELEPHONE SERVICE:

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson entered into an Interlocal Agreement with the Borough of Shrewsbury on February 20, 2003 to share the Reverse 9-1-1 System; and

WHEREAS, the Reverse 9-1-1 System was neither operational to the extent that was intended nor in the manner required by the Borough of Rumson; and

WHEREAS, the Borough of Rumson has requested that the Borough of Shrewsbury allow us to terminate the Interlocal Agreement; and

WHEREAS, the Borough of Rumson has negotiated terms for that termination with the Borough of Shrewsbury; and

WHEREAS, both parties agreed that the Borough of Rumson would pay the Borough of Shrewsbury the following:

One-time payment for the 2006 upgrade in the amount of \$3,291.00,
Fee for Year 1 (2006) in the amount of \$3,620.00
Fee for Year 2 (2007) in the amount of \$3,620.00
Fee for a Mass call during the February 14, 2007 storm in the amount of \$969.00; and

WHEREAS, the total amount agreed upon was \$11,500.00;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorizes payment in the amount of \$11,500.00 to the Borough of Shrewsbury; and

BE IT FURTHER RESOLVED that the Interlocal Agreement with the Borough of Shrewsbury will be terminated effective March 1, 2008; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Borough of Rumson Chief Financial Officer and the Borough of Shrewsbury Borough Administrator.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

RESOLUTION TO AUTHORIZE AN AGREEMENT WITH EMERGENCY COMMUNICATIONS NETWORK, INC. TO PROVIDE THE BOROUGH OF RUMSON WITH THE CODERED® EMERGENCY NOTIFICATION SYSTEM FOR 2008 FOR REVERSE 9-1-1 SERVICE:

Councilwoman DeVoe offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson is in need of a Reverse 9-1-1 Emergency Telephone Service to provide emergency information to the residents of the Borough; and

WHEREAS, Emergency Communications Network, Inc., 9 Sunshine Boulevard, Ormond Beach, Florida 32174 has the ability to provide such service; and

WHEREAS, Emergency Communications Network, Inc. will provide the Borough with the CodeRED® Emergency Notification System which allows users to place prerecorded telephone calls at high speed to call recipients alerting them of matters of public interest and concern; and

WHEREAS, it has been recommended by the Chief of Police and the Office of Emergency Management Coordinator that the Borough of Rumson enter into an Agreement with Emergency Communications Network, Inc.;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorizes the Mayor and Municipal Clerk/Administrator to enter into an Agreement for Reverse 9-1-1 Emergency Telephone Service with Emergency Communications Network, Inc. for the CodeRED® Emergency Notification System for the year 2008 for an annual fee of \$5,000.00; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Chief Financial Officer.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

In answer to a question by Councilman Rubin, the Municipal Clerk/Administrator advised that the contract would be signed and mailed to Emergency Communications Network, Inc. tomorrow and would take effect when they sign the contract.

Councilman Rubin advised that the System with Shrewsbury would be available for Rumson's use for a period of thirty (30) days and that the new CodeRED® System would take approximately two to three (2-3) weeks to get set up.

RESOLUTION TO AUTHORIZE PAYMENT TO BRANIN'S CONTRACTING LLC IN ACCORDANCE WITH THE SUPERIOR COURT OF NEW JERSEY SETTLEMENT AND ORDER OF DISPOSITION:

Councilwoman DeVoe offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson was named in a lawsuit in the Superior Court of New Jersey by Branin's Contracting, LLC dated September 17, 2007; and

WHEREAS, a Settlement and Order of Disposition was reached in the lawsuit on February 4, 2008; and

WHEREAS, the Borough Administrator and Borough Attorney recommend the acceptance of the Settlement and Order of Disposition;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorizes the acceptance of the Settlement and Order of Disposition; and

BE IT FURTHER RESOLVED that the Chief Financial Officer be authorized to pay Branin's Contracting, LLC in accordance with the Superior Court of new Jersey Settlement and Order of Disposition and that a copy of this Resolution be forwarded to the Chief Financial Officer for financial record thereof.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Shanley.

In the negative: None.

Absent: Broderick and Shanley.

RESOLUTION TO REFUND \$1,000.00 BOND FOR STREET OPENING PERMIT 028/2007 FOR MARTELLI DEVELOPMENT:

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, Martelli Development, Inc., 15 Gansett Court, Long Branch, NJ 07740, paid the required \$1,000.00 deposit plus the \$130.00 application fee for Street Opening Permit Number 028/2007; and

WHEREAS, Mark Wellner, Rumson Borough Superintendent of Public Works, has inspected the project and found it to be satisfactory and therefore recommends the release of the \$1,000.00 bond;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Martelli Development, Inc. be issued a refund of the \$1,000.00 bond; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

In answer to a question by Councilwoman DeVoe, the Municipal Clerk/Administrator advised that the Martelli Development property was located at the very end of Avenue of Two Rivers South.

RESOLUTION TO REFUND THE LICENSE FEE AND LATE FEE CHARGED FOR STEPHANIE CHANDLER'S DUPLICATE DOG LICENSE ISSUED IN ERROR:

Councilman Hemphill offered the following resolution and moved its adoption:

**RESOLUTION REFUNDING PAYMENT
FOR DUPLICATE 2007 DOG LICENSE
ISSUED IN ERROR**

WHEREAS, Stephanie Chandler, 40 First Street, paid \$8.00 for a 2007 Dog License, #D07-000319, on January 19, 2007 for her Golden Retriever, Rusty; and

WHEREAS, 2007 Dog License #D07-000319 was issued under Ms. Chandler's former name of Stephanie Robbins; and

WHEREAS, sometime late in 2007, a reminder post card was sent to Stephanie Chandler for her unlicensed dog; and

WHEREAS, Stephanie Chandler paid the \$8.00 fee plus \$45 late fee on October 26, 2007 for license #D07-000710, also for her Golden Retriever, Rusty; and

WHEREAS, Ms. Chandler has supplied documentation for the duplicate licenses and therefore has requested a refund of the duplicate licensing fees and the late fee paid in 2007; and

WHEREAS, the Chief Financial Officer has confirmed that \$1.20 of the duplicate license fee was forwarded to the State of New Jersey in November 2007, and therefore recommends a refund of \$6.80 for the duplicate license and the \$45.00 late fee;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that \$51.80 be refunded to Stephanie Chandler, 40 First Street, Rumson, NJ 07760.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

RESOLUTION TO AUTHORIZE THE REFUND OF TAX OVERPAYMENT DUE TO COUNTY TAX APPEAL JUDGMENT FOR 132 BINGHAM AVENUE:

Councilwoman DeVoe offered the following resolution and moved its adoption:

**REFUND TAX OVERPAYMENT DUE TO TAX APPEAL
BLOCK 94, LOT 5**

WHEREAS, a County Board Judgment has been favorably awarded to Bruce and Julie Baron, Block 94, Lot 5, for the 2007 Added Assessment for their property located at 132 Bingham Avenue, Rumson; and,

WHEREAS, such judgment has resulted in an overpayment of 2007 property taxes in the amount of \$18,867.02;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rumson, County of Monmouth, State of New Jersey, that the overpayment of property taxes in the amount of \$18,867.02, plus interest in the amount of \$264.66, be refunded to Bruce and Julie Baron, 42 Monmouth Street, Red Bank, NJ 07701;

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer/Tax Collector.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

RAFFLE APPLICATION FOR CONGREGATION B'NAI ISRAEL MEN'S CLUB CASINO NIGHT:

The Municipal Clerk/Administrator stated that he had received an application for a raffle from Congregation B'nai Israel Men's Club, 171 Ridge Road. Said raffle to be held at 171 Ridge Road on May 10, 2008 at 8:00 p.m.

The Clerk stated that the application was in order and fees paid.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, this application was approved. All in favor.

RAFFLE APPLICATION FOR BULLDOG BOOSTERS OF RUMSON 50/50:

The Municipal Clerk/Administrator stated that he had received an application for a raffle from Bulldog Boosters of Rumson, PO Box 6342. Said raffle to be held at Val's Tavern, 123 East River Road on June 11, 2008 at 8:00 p.m.

The Clerk stated that the application was in order and fees paid.

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, this application was approved. All in favor.

APPOINTMENTS BY THE MAYOR:

Acting Mayor Kammerer read a letter from Mayor Ekdahl making the following appointments:

To the Honorable Council of the
Borough of Rumson, New Jersey

Dear Members of the Council:

Pursuant to the provisions of the law governing such matters, I hereby respectfully nominate and appoint, subject to your approval, and confirmation, the following officers to serve during the fiscal year unless otherwise stated:

Katie Ann Gummer	As Alternate #2 Class IV Member of the Planning Board to fill the unexpired term of Lora Campbell—term expires December 31, 2008;
Scott Thompson	As Alternate #2 Member of the Zoning Board of Adjustment effective February 12, 2008— term expires on December 31, 2009;
Marty Pattwell	As Recreation Commission Member—5-year term;
Wendy Wilt	As Recreation Commission Member to fill the unexpired term of John Lembeck, Jr.—term expires on December 31, 2009;
Danette Alderoty	As Recreation Commission Member to fill the unexpired term of

	Robin Michals—term expires on December 31, 2010;
Kevin Kelly	As Recreation Commission Member—5-year term;
Daniel J. Edwards	As Alternate #1 Member of the Recreation Commission to fill the unexpired term of Marty Pattwell—term expires on December 31, 2008;
Douglas Duprey	As Alternate #2 Member of the Recreation Commission—4-year term;
Alexander J. Shanley, Jr.	As Alternate #3 Member of the Recreation Commission to fill the unexpired term of Danette Alderoty—term expires on December 31, 2010;
Robert McGinty	As Alternate #4 Member of the Recreation Commission to fill the unexpired term of Kevin Kelly—term expires on December 31, 2009;
Denise Walker	As Special Events Coordinator of Recreation Commission—1-year term;
Thomas F.X. O'Mara	As Chairman of the Rumson Historic Preservation Commission—3-year term to expire on December 31, 2010;
Marie Cottrell	As Member of the Rumson Historic Preservation Commission—3-year term to expire on December 31, 2010;
Ross R. Millhiser, Jr.	As Member of the Rumson Historic Preservation Commission—3-year term to expire on December 31, 2010;
Roberta Van Anda	As Member of the Rumson Historic Preservation Commission—3-year term to expire on December 31, 2010;
James G. Fitzmaurice	As Member of the Rumson Historic Preservation Commission—3-year term to expire on December 31, 2010;
Peter A. Goodhue	As Member of the Rumson Historic Preservation Commission—3-year term to expire on December 31, 2010;
Joan P. DeVoe	As Council Liaison Member of the Historic Preservation Commission—3-year term to expire on December 31, 2010;
Bernard Vaughan, Esq.	As Planning Board Liaison Member of the Historic Preservation Commission—3-year term to expire on December 31, 2010;

Respectfully submitted,

John E. Ekdahl, Mayor

Councilwoman DeVoe moved that the Council, in acting upon the appointments submitted by the Mayor, concur in confirmation of all. Motion seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

The following people were present and stepped forward to be administered their oaths of office as Members of the Rumson Historic Preservation Commission for a 3-year term:

Marie Cottrell
Ross R. Millhauser, Jr.

ANNOUNCEMENT BY THE ACTING MAYOR:

Acting Mayor Kammerer made the following Announcement:

Borough Hall will be closed on Monday, February 18th in observance of Presidents' Day. There will be no garbage collection on February 18th. All those residents whose regular garbage day falls on that Monday will have to wait until their next regular collection day.

Thank you for your cooperation.

FINANCIAL OFFICER'S REPORT:

The Financial Officer's Report disclosed the following cash on hand in the Current Fund Account as of February 12, 2008:

Wachovia Bank		
Balance:	01/22/08	\$ 4,510,590.30
Cash Receipts:	January	\$ 2,091,554.29
	February	\$ 6,696,720.11
Void Check		\$ 0.00
Disbursements:		
Pre-Paid Postage and Debt Service:		\$ (14,634.58)
Bills & Claims:	02/12/08	\$ (2,841,715.49)
Payroll:	01/30/08	\$ (199,072.71)
Wachovia Bank Balance:		<u>\$ 10,243,441.92</u>
Certificate of Deposits:		\$ 8,000,000.00
Money Market Funds:		\$ 0.00
Total Current Fund:		\$18,243,441.92

On motion by Councilman Hemphill, seconded by Councilman Rubin, the Financial Officer's Report was ordered received and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Kammerer offered the following resolution and moved its adoption:

\$	71.68	AR Communications
\$	51.80	Stephanie Chandler
\$	500.00	Edmunds and Associates Inc
\$	652.00	MGL Printing Solutions
\$	282.00	Monmouth County SPCA
\$	706.80	NJ State Dept of Health
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\$	2,264.28	Animal Control Account
\$	20,629.00	Quality Electrical Const Co
\$	9,271.75	Service Works Inc
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\$	29,900.75	Capital Account
\$	1,401.00	34 Navesink Associates LLC
\$	1,776.00	AZA of New Jersey Inc.
\$	387.00	Charles & Maura Beyer
\$	844.00	Clarke Wood Floors Inc
\$	98.00	Construction by Dennis Hala
\$	1,536.00	Ralph G DelNegro DO
\$	918.00	Elliott Development II
\$	638.00	Elliott Development
\$	1,997.00	James & Leigh Irvine
\$	1,662.00	Phillip & Melissa Kelly
\$	86.00	Lawrence & Jennifer Littman
\$	772.00	Elaine & Gerard Melia
\$	3,809.00	Milano Brothers Builders Inc
\$	453.00	Jodi & Gregory Peters
\$	2,029.00	Dr Joseph E Seeman
\$	47.00	Scott & Heidi Servilla
\$	1,342.10	SR Whelan Development Corp
\$	3,014.00	Two River Properties LLC
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\$	22,809.10	COAH Trust Fund
\$	534.58	Postmaster
\$	14,100.00	Depository Trust Company
\$	704.45	Action Office Supplies
\$	4,818.84	Allied Oil Company
\$	960.00	All Hands Fire Equipment
\$	382.00	AM/PM Services
\$	95.00	ANJR
\$	927.00	AR Communications
\$	184.84	Asbury Park Press
\$	66.48	AT&T

\$	726.41	Avaya Inc
\$	19,131.68	Bruce & Julie Baron
\$	66.00	Bayshore Fire & Safety
\$	2,358.40	Ben Shaffer & Assoc Inc
\$	1,544.55	Bob's Uniform Shop
\$	833.34	Borough of Little Silver
\$	15,000.00	Borough of Rumson Trust Other
\$	460.95	Central Towing
\$	170.00	Certified Speedometer Service
\$	104.95	Comcast of Monmouth
\$	1,711.80	Commerce Insurance Center
\$	1,341.00	Copy Dynamics Inc
\$	2,272,784.38	Monmouth County Treasurer
\$	130,130.49	Monmouth County Treasurer (LIB)
\$	142,135.09	Monmouth County Treasurer (OS)
\$	1,470.00	Custom Tire Associates
\$	3,180.54	Delta Dental Plan of NJ
\$	25.50	Deptcor
\$	7,805.00	Edmunds and Associates Inc
\$	129.48	Fair Haven Hardware
\$	200.00	Frank Farber
\$	90.00	Gov Purchasing Ass'n NJ Inc
\$	90.00	GFOA of NJ
\$	103.10	Helen L Graves
\$	20.00	Jane F Hartman
\$	161.90	Interstate Batteries
\$	104.00	International Codes Council
\$	86.15	JB Sales and Service
\$	15,619.62	JCP&L
\$	589.94	Johnny on the Spot
\$	416.50	John Guire Co
\$	1,024.00	Kaldor
\$	2,300.00	KKD Enterprises Inc
\$	326.97	Lanigan Associates Inc
\$	13,800.00	Lincoln Nat'l Life Insurance
\$	60.00	Lok Docs Locksmith Service
\$	1,456.00	McCarter & English LLP
\$	8,863.65	Monmouth County Regional
\$	216.50	Middletown Fire & Safety Inc
\$	16,264.69	Treasurer County of Monmouth
\$	641.55	Treasurer County of Monmouth
\$	75.00	Monmouth-Ocean TCTA
\$	614.09	Monmouth Telecom
\$	432.70	Moore Medical
\$	400.00	Herbert Moore
\$	150.00	Mun Clerks Assn of Monmouth
\$	175.00	Municipal Clerks Assn NJ Inc
\$	840.00	Nelson Press
\$	16,669.63	New Jersey American Water

\$	395.00	New Jersey Motor Truck Assoc
\$	395.00	NJ Conference of Mayors
\$	500.00	NJPSAC
\$	595.00	NJ State League of Municipalities
\$	63,517.58	State of NJ Pensions/Active
\$	35,746.93	State of NJ Pensions/Retiree
\$	274.21	One Call Systems
\$	140.65	Hydrair Inc
\$	270.00	Powerhouse Sign Works
\$	5,941.15	Pressure Equipment Specialists
\$	100.00	Public Works Assoc of NJ
\$	1,210.00	Quality Electrical Const Co
\$	891.52	Ray's Sport Shop
\$	3,433.32	Reusille Mausner Carotenuto
\$	165.10	Rosano Asphalt
\$	3,044.25	R & R Pump Control Service LLC
\$	3,629.54	Russell Reid
\$	176.46	Sanitation Equipment Corp
\$	170.00	Shea Communications Inc
\$	11,500.00	Shrewsbury Borough
\$	775.00	State Shorthand Reporting Serv
\$	7,035.50	Michael B Steib PA
\$	1,633.20	Targeted Technologies LLC
\$	1,306.35	TCP Petroleum
\$	75.00	Tax Collectors & Treasurers
\$	2,763.65	T & M Associates
\$	1,801.45	Tony D's Auto Body Inc
\$	43.27	Trico Equipment Inc
\$	873.82	Triplex Ltd
\$	7.00	Up Tite Fasteners
\$	827.54	Verizon
\$	253.26	Verizon Wireless
\$	523.90	WH Potter & Son Inc
\$	661.68	ZEP Manufacturing Company
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\$	2,856,350.07	Current Fund
\$	20.00	Legalized Games of Chance
\$	134.50	Brennan's Deli
\$	2,130.48	JL Design Enterprises Inc
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\$	2,284.98	Endowment Inc Account
\$	841.80	Athlete's Alley
\$	1,780.00	Concept II
\$	369.00	John Hird
\$	240.00	Chuck Iarussi
\$	2,700.00	Klinger Engineering
\$	21.96	Port Supply
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\$	5,952.76	Recreation Account

\$	1,000.00	Martelli Development Inc
\$	1,000.00	Trust Account
\$	83,556.46	Current Fund Appropriations
\$	2,772,793.61	Current Fund Appropriations
\$	2,264.28	Animal Control Fund Expenses
\$	29,900.75	Capital Fund Disbursements
\$	2,284.98	Endowment Disbursements
\$	5,952.76	Recreation Disbursements
\$	23,809.10	Trust Fund – Other Expenses
\$	2,920,561.94	Total Of All Funds

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

COMMENTS FROM THE COUNCIL:

The Acting Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

COMMENTS FROM THE PUBLIC:

The Acting Mayor afforded the public an opportunity to be heard at this time and no one responded.

ADJOURNMENT:

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the meeting adjourned at 7:52 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator